

# Position paper

*Prise de Position – Stellungnahme*

MARCH 12

## **UITP comments on study of the European Commission on legal and contractual bases on passenger rights in urban public transport** *(comments are presented against yellow background)*

### **A. General comments**

#### **- Current situation of passenger rights in urban transport and context of the current study**

In the past six years three European regulations on passenger rights in rail, bus and waterborne transport services have been discussed and adopted<sup>1</sup>. UITP has actively accompanied this legislation process and pointed out in the discussions at EU level the importance to take into account the specific situation of local and regional public transport services – often provided in integrated multimodal public transport networks.

This has been taken into account in the legislative process by enabling Member States to exempt such services from the application of certain articles (designated and designed rather for long-distance transport services) of the above mentioned regulations also for local/regional public transport services.

At the same time a number of articles, especially in the regulations for passenger rights in rail and bus services have to be applied also to local and regional services.

**It is important to highlight this fact in the discussion on whether there is actually a need at European level to develop on top of the existing legal obligations additional “ambitious voluntary commitments” for urban public transport as proposed by the Action Plan on Urban Mobility.**

In this context it is also important to know that the Action Plan on Urban Mobility was released already in September 2009 whereas regulation 181/2011 on passenger rights in bus services with ten mandatory articles to be applied also for local bus services was adopted only end of 2010.

UITP has the view that it would make sense to first wait until the new legislation is fully implemented in the different Member States before starting new activities which have been defined before the outcome of the actual legislation became clear.

<sup>1</sup> regulations 1371/2007, 1177/2010 and 181/2011

UITP also questions whether the European level is the appropriate one to introduce a platform of discussion with various stakeholders on passenger rights and quality in urban public transport. Due to the specific local situations in public transport, it makes sense to have such an exchange rather at local/regional level. Many public transport operators and authorities have such regular exchange with local organisations representing passengers, persons with reduced mobility, residents etc. where specific local solutions for local problems and needs can be found.

**Summarizing the outlined points, UITP would like to ask the European Commission to clearly identify and show the added value of further initiatives on passenger rights for urban transport as well as installing a platform on urban passenger rights at EU level.**

- Initiatives by UITP and its members

UITP would point out that quality of local and regional public transport services and customer-orientation has always been an important professional topic for our association. Even before the European regulations on passenger rights in rail, bus and waterborne transport had been adopted, UITP had developed already in 2006 a recommendation to its members to introduce voluntary passenger charters as a clear commitment to customers to provide high quality public transport services. For this purpose, UITP had developed a “model passenger charter” with recommendations in nine different areas<sup>2</sup>. This charter was developed with a specific focus for operators as those normally stand in the direct relation with the customer. It is, however, also directed towards local public transport authorities due to various different circumstances and responsibilities for the delivery of service to customers between operators and authorities at local/regional level.

Many UITP members have adopted since then – and even already before – passenger charters with voluntary commitments towards their customers.

Some of the first passenger charters or “service/travel guarantees” have emerged in the Nordic countries (e.g. Oslo Sporveier in 1994, Swedish public transport authorities), Germany (e.g. Berliner Verkehrsbetriebe in 1997, Stuttgarter Straßenbahnen AG in 2000, Verkehrsverbund Rhein-Ruhr) or the UK. In other countries there are legal obligations to introduce customer charters such as in Italy or for rail services in the UK.

Another important aspect to know is that most passenger charters until today have emerged as voluntary initiatives by public transport operators (and authorities) underlining their focus towards customers, also sometimes with a clear wish of distinction against other potential competitors. Passenger charters are often part of an overall company service strategy including also customer surveys, complaint management, internal quality management etc. In many cases they are not directly linked with public service contracts, but have a rather commercial background to attract and bind customers. UITP would therefore propose to the contractors of the study to not link quality criteria in public service contracts which are fixed between authorities and operators (e.g. bonus-malus provisions) with the existence of voluntary commitments towards customers or vice versa.

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<sup>2</sup> UITP passenger charter – a charter for a customer-focused operator: <http://www.uitp.org/mos/brochures/37-en.pdf>

B. Replies to some specific questions raised in “Annex I - Transport operators and employees associations’ questionnaire” provided by Grimaldi & Associati

1. Could you provide a short overview of the quality charters that you offer to passengers and of the voluntary agreements that you have adopted or intend to adopt to ensure a high level of quality of the transport service offered?

There is a great variety of passenger charters and their number has constantly increased in the past years. Some examples from different countries are:

*In addition to the promise, there are also rules (as in most member states) about personal liability in the case of accidents, etc, which are set by Member State governments.*

ATM Milano (Italy):

<http://www.atm-mi.it/it/IlGruppo/ChiSiamo/Pagine/CartaMobilita.aspx>

STIB Brussels (Belgium):

<http://www.stib.be/irj/go/km/docs/STIB-MIVB/INTERNET/attachments/charteClientF.pdf>

Arriva (UK):

<http://www.arrivatrainswales.co.uk/PassengersCharter/>

and

[www.arrivabus.co.uk/customer-promise/](http://www.arrivabus.co.uk/customer-promise/)

Arriva UK Bus "customer promise": this is based on having a small number of clear promises to passengers about what they can expect when Arriva is operating commercial services (i.e. not those where there is a contract with the public authority).

Stuttgarter Straßenbahnen AG (Germany):

<http://www.servicegarantie.info/Servicegarantie-130-0.html>

Ruter (Oslo):

<https://ruter.no/english/ruters-travel-guarantee/>

Västtrafik Gothenburg (Sweden):

<http://www.vasttrafik.se/en/Travelling/Travel-guarantee/>

GVB Amsterdam (Netherlands):

<http://en.gvb.nl/reisinformatie/vergoedingsregeling/Pages/default.aspx>

2. Are those quality charters and voluntary agreements based on provisions applicable to the contract of public services between your company and the public authority? Do they improve those requirements?

If yes, could you indicate the improvements you have adopted in respect of the requirements imposed by the contract of public service?

As outlined above, public service contract and passenger charters should not be linked per se or mixed up as it is done in this questionnaire. Public service contracts are concluded between a responsible authority and an operator and define the level, quantity, very often also quality and the financing of public transport services. Of course they can contain a number of quality parameters and criteria.

Passenger charters are introduced by operators or authorities as an instrument of communication and relation towards their customers. They are normally not part of a public service contract (would also make no sense in case of a passenger charter issued by an authority).

### 3. What is the content of the quality charters?

The most common aspects which appear in most of the charters are also reflected in the UITP passenger charter:

- Safety/Security
- Customer Information
- Reliability/punctuality
- Cleanliness/conditions of facilities + vehicles
- Journey comfort
- Accessibility
- Customer comments and complaints
- Customer obligations

Very often, different aspects are even more detailed and adapted to local situations, e.g. possibilities to use alternative transport (long-distance trains, taxis) in case of longer delays.

In general, the content of passenger charters and thereby promises to customers will take into account that public transport operators work in a complex urban environment, where the quality of service on key issues to do with reliability/punctuality are affected by the design and management of the urban transport network, especially there where buses or tram/light rail systems are operated together with other road traffic.

In addition to the promises to customers in form of passenger charters or service guarantees, there are also rules about personal liability in the case of accidents, etc, which are set by regulations 181/2011 and 1371/2007 and Member State governments.

### 4. Are the charters certified by a certification operator?

Various public transport operators have certified parts or their entire company activities by applying ISO 9001 (international standard for quality control and management) or EN 13816 (standard on quality in public passenger transport).

This normally not only comprises passenger charters, but e.g. the whole operation on a given line or network.

Elements of EN 13816 are:

- Availability

- Accessibility
- Information
- Time
- Customer care
- Comfort
- Security
- Environmental impact

Whether a certification is made or not should be decided at local level by the relevant responsible bodies.

5. Are the customers and passengers' associations involved in the preparation or monitoring of the quality charters?

Public transport operators and authorities involve citizens, local residents and businesses, customers and passengers' associations in various fields of their activities such as:

- in consultations on construction of public transport infrastructure, new lines or modification of lines,
- advisory groups for e.g. improving timetables or design of accessible vehicles and stations
- passenger surveys
- information from complaints and comments from customers
- meetings for information and exchange on other topics, this can also be the case for passenger charters

At the end the way and concrete involvement of relevant groups and representatives has to be decided again at local level depending on the specific local situation and eventual existing national legislation.

The introduction of passenger charters normally is decided at the level of advisory boards of public transport operators and authorities. In many cases such advisory boards have as members locally elected representatives of the citizens and thereby also represent customers.

6. Are the employees' associations or representatives involved in the preparation and monitoring of the quality charters?

Employee associations play an important part in the work of all public transport operators and employees' representatives are normally consulted and informed on most relevant activities of public transport operators.

The key issue for customer charters is, of course, the direct link between operators and their customers (or with the public authority with which the operator has a contract).

It might be useful to consult and involve employees representatives on quality standards as well as monitoring of performance.

7. What are the indicators used to assess the quality of the service?

This question is not so clear. Do you mean the content of passenger charters (see answer to question 3)? Or assessment of quality in public service contracts?

Please, indicate which of these parameters are taken into consideration.

	<b>Yes</b>	<b>No</b>
- Information and tickets	<input type="checkbox"/>	<input type="checkbox"/>
- Punctuality of services	<input type="checkbox"/>	<input type="checkbox"/>
- Cancellation of services	<input type="checkbox"/>	<input type="checkbox"/>
- Interconnections	<input type="checkbox"/>	<input type="checkbox"/>
- Cleanliness of means of transport and station facilities	<input type="checkbox"/>	<input type="checkbox"/>
- Safety of services	<input type="checkbox"/>	<input type="checkbox"/>
- Customer satisfaction surveys	<input type="checkbox"/>	<input type="checkbox"/>
- Complaint handling, refunds and compensation	<input type="checkbox"/>	<input type="checkbox"/>
- Assistance to disabled persons and persons with reduced mobility	<input type="checkbox"/>	<input type="checkbox"/>
- Rerouting	<input type="checkbox"/>	<input type="checkbox"/>
- Liability for persons and luggage	<input type="checkbox"/>	<input type="checkbox"/>

Remark: Liability for luggage is not very relevant in urban public transport as UITP is not aware of any urban public transport network where luggage is given by the passenger into the hands/care of the operator (such as separately loaded luggage in coaches running over longer distances). Passengers in urban public transport are normally always requested to carry their belongings and luggage with them.

8. What are the service guarantees offered to passengers?

The term “service guarantee” is often used in the same sense and meaning as “passenger charter” and is therefore not commented in addition. See relevant questions on passenger charters.

9. Could you detail the content of the service guarantees that are offered to passengers?

The term “service guarantee” is often used in the same sense and meaning as “passenger charter” and is therefore not commented in addition. See relevant questions on passenger charters.

10. In case of an accident suffered while travelling on your vehicles, how can the passenger assert the claim for damages?

Passengers are always able to identify the operator of their service or the public authority with which the operator has a contract. On that basis, an approach to the operator or to the authority will allow any claim for damages to proceed. It is not clear that there is any evidence that passengers are unable to make such claims.

11. What kind of compensation/insurance is offered for the damages suffered by the passengers?

There are various provisions set by regulation 181/2010 on passenger rights in bus services or regulation 1371/2007 on passenger rights in rail services and additional national legislation.

12. What is the amount of compensation/insurance?

See also answer question 11.

Regulation 181/2011 e.g. provides that the amounts shall be calculated in accordance with national law. Even if the relevant article 7 of regulation 181/2011 does not apply for local/regional bus services, this is regulated normally by national law.

13. In case of delay or interruption of the transport service, what kind of alternative transport service or restoration do you offer?

On many urban public transport lines vehicles run on frequent intervals and passengers would not necessarily be concerned of a “delay” if there is a metro/tram or bus e.g. every 5 minutes.

From different sources of customer feedback (customer surveys, complaint management etc.) we know that most passengers do not expect “to get money back”, but rather expect good information on eventual delays or disruptions of services which can have various reasons especially in dense urban traffic without the fault of public transport operators.

Therefore financial compensation to the customer is not the common or primary solution in these cases. If passengers are well informed on delays/interruptions, they can very often choose alternative routes/lines to get to their destination in a complex urban transport network. This is why many public transport operators and authorities are continuously making efforts to provide better and real time passenger information services in internet and for mobile applications.

Some public transport operators or authorities offer to use alternative transport modes (apart from local public transport) such as an “upgrade travel” in fast (long distance) trains (if running on the same sections or refund taxi rides with a maximum amount. Other operators/authorities offer free public transport tickets, reduction on monthly/annual passes or small gifts (cinema tickets etc.). This varies from one charter to the other one and should be decided at local level.

14. How are you dealing with the various complaints submitted by the passengers?

Public transport operators and authorities have a complaint management system as part of their service to customers. Some operators/authorities have introduced sophisticated systems using specially developed software tools to register and analyze complaints. This also depends on the size of the companies and the number and complexity of complaints received.

Very often different channels are offered to customers to submit complaints or positive comments (by mail/on internet websites, by phone at a customer telephone line, written letter etc.).

15. How long does it take to deal with a complaint in average?

The UITP passenger charter recommends to give a feedback preferably within three weeks. Some operators/authorities promise to their customers in passenger charters to have even shorter response times.

16. How many complaints do you receive per year?

UITP has no detailed information from different local public transport systems.

From discussions with our members we know however, that numbers of reactions of customers (complaints, but also very often positive feedback/comments) can vary depending on specific situations (e.g. introduction of new fares, timetables etc.) as well as how much complaints are "stimulated" (e.g. through awareness campaigns/information on the existence of telephone hotlines, special websites, brochures etc).

17. What are the most frequent reasons for complaints (e.g. cancellation, price, safety etc)?

UITP has no detailed information from different local public transport systems.

We know however from our members that the reasons for complaints/positive comments can vary a lot depending on specific situations (e.g. introduction of new fares, timetables etc.) or single events (e.g. CCTV images on an aggression of a person in an underground metro station which were then made public by media).

This also depends on what kind of complaints are registered in complaint management systems. In many networks the most frequent reasons for complaints or comments are ticket machines which do not properly function and reliability/punctuality of public transport services, to a lesser extent cleanliness of stations/vehicles or safety/security aspects.

The analysis of customer complaints (and other sources such as passenger surveys) gives valuable indications for the quality management of public transport operators. It can also provide good arguments for operators to approach e.g. local authorities and other decision makers to realize measures to make public transport more reliable/punctual, e.g. bus lanes and other measures to increase commercial speed.

18. How many accidents happened on your means of transport in the last 12 months? And in the last five years?

In general accident rates with public transport involved are much lower than in private motorized transport.

Most accidents in urban public transport are then caused by third parties such as private motorized vehicle drivers or bike riders disobeying road traffic regulations and e.g. disobeying right-of-way of buses or trams.

19. Do you include accessibility to the service and infrastructure in your charters and voluntary agreements?

The UITP passenger charter has a separate chapter with recommendations on accessibility. Apart from the passenger charter, UITP has developed in the past various recommendations on improving accessibility in public transport.

Most Member States also have accessibility rules setting out things such as vehicle design.

Many public transport operators/authorities have also introduced specific charters/guidelines/information for passengers on accessibility.

Examples are:

<http://www.translink.co.uk/Documents/Accessibility/Bus%20and%20Rail%20Access%20Policy%20030310.pdf>

<http://www.ssb-ag.de/Barrierefrei-66-0.html>

[http://www.stib.be/PMR\\_PBM.html?l=fr](http://www.stib.be/PMR_PBM.html?l=fr)

<http://www.tfl.gov.uk/gettingaround/transportaccessibility/1167.aspx>

<http://www.dpp.cz/en/barrier-free-travel/>

[http://www.ratp.fr/fr/ratp/c\\_5087/accessibilite/](http://www.ratp.fr/fr/ratp/c_5087/accessibilite/)

<http://www.wienerlinien.at/eportal/ep/channelView.do/pageTypeId/9320/channelId/-31437>

20. Do you have a method to handle complaints related to failure to provide accessibility?

We know from discussions with our members that such kind of complaints are extremely rare. Operators understand the need to manage such complaints with particular care.

21. What kind of facilities have you introduced to make your transport infrastructure user-friendly for persons with disabilities or special needs?

UITP has carried out a number of initiatives on improving accessibility in the past years:

- a. UITP Focus Paper „Access to Public Transport“, June 2001: “UITP encourages its members and local governments as co-responsible:
  - to invest in low-floor technology, whenever the local operating environment makes it feasible and appropriate, with measures to ensure safe movement within vehicles.

- to design accessible infrastructure, when refurbishing older facilities or planning new ones, including interchanges (level boarding, signalling, lifts, ramps, passenger information etc.)....
  - Good co-operation with local and national associations of disabled and elderly people and with associations of wheelchair manufacturers is crucial.”;
- a. UITP Core Brief “Wheelchair Access in Metro Systems”, August 2002;
  - b. Recommendations of the European Council of Ministers of Transport (ECMT) and UITP “Improving Access to Public Transport”, 2004
  - c. Development of the UITP passenger charter (2006), including a recommendation on accessibility in public transport: <http://www.uitp.org/mos/brochures/37-en.pdf>

Public transport operators and authorities have invested massively in the past years in making their public transport infrastructure and vehicles continuously more accessible. In addition staff such as drivers are trained also on needs of persons with reduced mobility (PRM). New vehicles and infrastructures are normally built in an accessible manner. However, making existing infrastructure accessible (especially underground stations) is particularly costly and requires very often considerable financial means and in many EU Member States public budgets are very tight.

22. Have you made any enquiry to evaluate the level of satisfaction of the passengers and users?

Many public transport operators and authorities carry out regular passenger surveys including satisfaction surveys.

If yes, could you please indicate the results of the surveys?

Examples:

<http://www.passengerfocus.org.uk/research/bus-and-coach/>

In a scale from 1 to 5 could you indicate the level of satisfaction of the users?

Such an indication makes more sense when looking at a specific public network or even at specific elements in a customer satisfaction survey.

23. How do you take into consideration the feedback received by the transport users?

Results from such surveys, together with other sources of feedback/information from passengers, residents, businesses, citizens in general (complaints, local public events + discussions) are used to help planning and improve public transport services as well as form very often part of an internal quality management.

24. How do you often review the quality charters and the service guarantees each year?

If yes, what are the main changes you have introduced in the last version of the quality charters in respect of the previous version?

Could you explain the reasons for these changes?

Passenger charters are reviewed as necessary. This depends on the content and should not be linked to a certain regularity. Some changes might be necessary e.g. if contact details of operators/authorities change or if additional features are added.

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